

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Daryll A. EMERY et al. )  
Serial No.: 10/749,602 )  
Confirmation No.: 8548 )  
Filed: December 31, 2003 )  
For: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT

Group Art Unit: 1655  
Examiner: Patricia A. Leith

**NOTICE OF APPEAL**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated August 20, 2009, of the Primary Examiner rejecting claims 34-44, 67-69, 71-82 and 84-102 of the above-identified application under 37 C.F.R. §§1.113 and 1.191. Please charge PTO Deposit Account No. 13-4895 in the amount of \$540 to cover the Notice of Appeal fee. Please charge any additional fees or credit any over-payment to PTO Deposit Account No. 13-4895.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15th day of October, 2009.

By: Deb Schurmann

Name: Deb Schurmann

Respectfully submitted

By

Mueting, Raasch & Gebhardt, P.A.

P.O. Box 581336

Minneapolis, MN 55458-1336

Phone: (612)305-1220

Facsimile: (612)305-1228

**Customer Number 26813**

October 15, 2009

Date

By: Christopher D. Gram

Christopher D. Gram

Reg. No. 43,643

Direct Dial (612)305-0412